

DEREK LANGTON (04068)
DAVID P. BILLINGS (11510)
PARSONS BEHLE & LATIMER
Attorneys for Plaintiff Nevada Star Resource Corp.
One Utah Center
201 South Main Street, Suite 1800
P.O. Box 45898
Salt Lake City, UT 84145-0898
Telephone: (801) 532-1234
Facsimile: (801) 536-6111

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

NEVADA STAR RESOURCE CORP., a
Nevada Corporation,

Plaintiff,

vs.

WESTERN UTAH COPPER COMPANY, a
Utah Corporation,

Defendant.

Case No. 2:09-cv-00542-DAK

**ATTORNEYS' PLANNING MEETING
REPORT**

Judge Dale A. Kimball

1. PRELIMINARY MATTERS:

a. The nature of the claims and affirmative defenses is: Plaintiff Nevada Star Resource Corp. ("Plaintiff") seeks a declaratory judgment with respect to certain issues relating to a written contract entered into between the parties entitled "Agreement and NS Option," dated July 23, 2002 (the "Agreement") involving certain mining properties located in Beaver County, Utah. Defendant Western Utah Copper Company ("Defendant") has asserted various affirmative defenses to Plaintiff's Complaint, including waiver, estoppel and offset. Defendant has also filed a counterclaim against Plaintiff in which Defendant has asserted claims for breach of warranty, declaratory judgment, force majeure, unjust enrichment, breach of the implied covenant of good faith

and fair dealing, abuse of process, and "Value of Occupants Improvements." Plaintiff has asserted various affirmative defenses to the Counterclaim, including estoppel, waiver, laches, unclean hands, statute of limitations, the First Amendment privilege, and failure to mitigate damages.

- b. This case is X not referred to a magistrate judge
 referred to magistrate judge David Nuffer
 under 636(b)(1)(A)
 under 636(b)(1)(B)
 assigned to a magistrate judge under General Order 07-001
and
 all parties consent to the assignment for all
proceedings or
 one or more parties request reassignment to a district
judge
- c. Pursuant to Fed. R.Civ.P. 26(f), a meeting was held on September 8, 2009 by telephone.
The following were in attendance:
Derek Langton, Juliette P. White, and David P. Billings, counsel for Nevada Star Resource Corp.
Ronald C. Barker and Gary Frank, counsel for Western Utah Copper Company
- d. The parties request / X do not request an initial pretrial scheduling conference with the court prior to entry of the scheduling order. An initial pretrial scheduling conference is set before Magistrate Judge David Nuffer on October 14, 2009 at 11:00 a.m.
- e. The parties have exchanged or X will exchange by 10/09/09 the initial disclosures required by Rule 26(a)(1).
- f. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed.R.Civ.P. 5(a) by either (i) notice of electronic

filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

2. **DISCOVERY PLAN:** The parties jointly propose to the court the following discovery plan: *Use separate paragraphs or subparagraphs as necessary if the parties disagree.*

- a. Discovery is necessary on the following subjects: *Briefly describe the subject areas in which discovery will be needed.*

All issues raised by the pleadings.

- b. Discovery Phases.

Specify whether discovery will (i) be conducted in phases, or (ii) be limited to or focused upon particular issues. If (ii), specify those issues and whether discovery will be accelerated with regard to any of them and the date(s) on which such early discovery will be completed.

Not applicable.

- c. Designate the discovery methods to be used and the limitations to be imposed.

- (1) *For oral exam depositions, (i) specify the maximum number for the plaintiff(s) and the defendant(s), and (ii) indicate the maximum number of hours unless extended by agreement of the parties.*

Oral Exam Depositions

Plaintiff(s) 15

Defendant(s) 15

Maximum no. hrs. per deposition 6

- (2) *For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party.*

Interrogatories 40

Admissions no limit

Requests for production of documents no limit

- (3) *Other discovery methods: Specify any other methods that will be used and any limitations to which all parties agree.*

Not applicable

- d. Discovery of electronically stored information should be handled as follows: *In accordance with Rule 45(d)(1) of the Federal Rules of Civil Procedure.*

- e. The parties have agreed to an order regarding claims of privilege or protection as trial preparation material asserted after production, as follows:

Not applicable.

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES:

- a. The cutoff dates for filing a motion to amend pleadings are: *specify date*
Plaintiff(s) 10/30/09 Defendant(s) 11/30/09
- b. The cutoff dates for filing a motion to join additional parties are: *specify date*
Plaintiff(s) 10/30/09 Defendants(s) 11/30/09

(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed.R.Civ.P. 15(a)).

4. EXPERT REPORTS:

Reports from experts under Rule 26(a)(2) will be submitted on: *specify dates*

Plaintiff(s) 5/14/10
Defendant(s) 6/14/10
Counter reports 7/14/10

5. OTHER DEADLINES:

- a. Discovery cutoff: Fact 4/30/10 Expert 8/13/10
- b. *(optional)* Final date for supplementation of disclosures under Rule 26 (a)(3) and of discovery under Rule 26 (e): 6/30/10
- c. Deadline for filing dispositive or potentially dispositive motions and Daubert motions is 8/31/10.

6. ADR/SETTLEMENT:

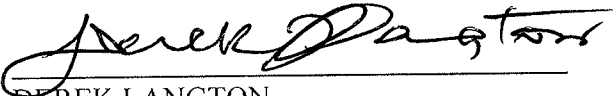
Use separate paragraphs/subparagraphs as necessary if the parties disagree.

- a. The potential for resolution before trial is: ___ good X fair ___ poor
- b. This case should be referred to the court's alternative dispute resolution program for arbitration: ___ mediation: X
- c. The case should be re-evaluated for settlement/ADR resolution on:
specify date 8/31/10

7. TRIAL AND PREPARATION FOR TRIAL:

- a. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than 14 days provided by Rule).
- b. This case should be ready for trial by: *specify date* 1/03/11
Specify type of trial: Bench
- c. The estimated length of the trial is: *specify days* 4

PARSONS BEHLE & LATIMER



Date: 9 / 28 / 09

DEREK LANGTON
DAVID P. BILLINGS
Attorneys for Plaintiff Nevada Star
Resource Corp.

BARKER LAW OFFICE, LLC



Date: 9 / 23 / 2009

RONALD C. BARKER
GARY A. FRANK
Attorneys for Defendant Western Utah
Copper Company